UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

DOCKET NO. 3:11CR373-FDW

UNITED STATES OF AMERICA,)
Plaintiff,)
v. NASSER KAMAL ALQUZA (10),) ORDER
Defendant.))
PETITION OF BANK OF THE BLUEGRASS & TRUST COMPANY	- <i>)</i>))
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THIS MATTER is before the Court on a motion by the United States, by consent of Bank of the Bluegrass & Trust Company, Lexington, Kentucky ("Petitioner"), pursuant to Fed. R. Crim. P. 32.2(c), requesting approval of a settlement with regard to the following property listed in the Preliminary Order of Forfeiture (the "Preliminary Order") filed herein on February 10, 2014: real property located at 1479 Boardwalk, Lexington, KY ("Boardwalk" or "the property").

The government and Petitioner have stipulated and agreed and the Court finds as follows:

- 1. Petitioner is deemed to have filed a timely petition in response to the Preliminary Order for the amount due on a mortgage loan, as stated below. The Court has jurisdiction over the property.
- 2. The names of defendant Alquza ("defendant") and May Housseneh appear on a deed as the current holders of record title to the property. Petitioner is the holder of a loan secured by a mortgage on the property, recorded at Book 5611, Page 18, in the office of the County Court Clerk of Fayette County, Kentucky.
- 3. The United States and Petitioner have agreed to a settlement regarding forfeiture and the interest asserted by Petitioner pursuant to the mortgage, as follows:
 - (a) The interest of Petitioner in Boardwalk is recognized to the extent of the amount due on the mortgage, including principal and any interest due as of February 24, 2014, in the amount of \$4,077.88, together with a per diem thereafter of \$0.7789 until paid.

(b) As of this date, one other petition to Boardwalk has been filed in this case by May Housseneh. Upon final adjudication of that petition, in the event of final forfeiture and sale, the United States will pay the amount then due on the mortgage to Petitioner out of the sale proceeds or provide for such payment in connection with closing. If Boardwalk is not forfeited in this case, Petitioner shall be free to act under the terms of the mortgage, including foreclosure if applicable.

(c) Petitioner hereby releases and forever discharges the United States, its agents, servants and employees, its successors or assigns, and all state or local governmental entities or law enforcement agencies in North Carolina and their agents, servants and employees, their heirs, successors, or assigns, from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever in law or equity which petitioner or its heirs, successors, or assigns ever had, now have, or may have in the future in connection with this investigation, prosecution, and forfeiture.

Based on the foregoing agreement and findings, IT IS HEREBY ORDERED:

- 1. The terms and conditions of the settlement are approved and incorporated in this order.
- 2. The Preliminary Order is hereby amended to recognize the interest of Petitioner in Boardwalk, that is, the amount due on the mortgage, including principal and any interest due as of February 24, 2014, in the amount of \$4,077.88, together with a per diem thereafter of \$0.7789 until paid.
- 3. Each party shall bear its own costs in this ancillary forfeiture proceeding, including attorney fees.

Signed: April 4, 2014

Frank D. Whitney

Chief United States District Judge

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